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HARRISBURG, PA
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARY E. D'ANDREA, CLERK
Per
Deputy Clerk

WILLIAM CLARK, :
 :
Plaintiff, :
 :
v. : Civil Action No. 01-CV-0764
 :
LARRY LIDGETT, et. al., : (Judge William W. Caldwell)
 :
Defendants. : JURY TRIAL DEMANDED

ORIGINAL

**CORRECTIONS DEFENDANTS' MOTION FOR
AN ENLARGEMENT OF TIME**

Defendants Martin Horn, Robert Meyers, and Larry Lidgett ("Corrections Defendants"), by and through their attorney, John J. Talaber, Assistant Counsel, respectfully request this Honorable Court to grant them an enlargement of time until Friday, January 10, 2003 to file their Supporting Brief and Statement of Material Facts to the pending Motion for Summary Judgment. The following averments are made in support of this Motion:

Parties and Nature of Action:

1. Plaintiff William Clark is an inmate currently incarcerated at the State Correctional Institution at Rockview ("SCI-Rockview"). See Complaint (doc. 1), ¶2.

2. Clark named the following Department of Corrections employees as Defendants (“Corrections Defendants”): (1) former Secretary of the Department, Martin Horn; (2) SCI-Rockview Superintendent, Robert W. Meyers; and (3) former SCI-Rockview Corrections Health Care Administrator, Larry Lidgett. See Complaint, ¶¶ 3, 4, 7.
3. Additionally, Clark named as Defendants the contracted medical provider at SCI-Rockview: (1) Wexford Health Sources, Inc (“Wexford”); and (2) Wexford Medical Director, Dr. John Symons. James D. Young, Esquire, represents both parties in this action. See Complaint, ¶¶ 5,6; see also Entry of Appearance (doc. 11).
4. This is a 42 U.S.C. § 1983 action alleging deliberate indifference to the treatment of Clark’s Hepatitis C condition in violation of his Eighth Amendment rights under the United States Constitution. Clark also has pendent state claims of negligence and medical malpractice. Clark seeks compensatory and punitive damages, as well as, declaratory and injunctive relief. See Complaint, ¶¶ 8-58; Relief Requested, pp. 10-11.

Relevant Procedural History:

5. On December 3, 2002, the Defendants filed a joint motion for an enlargement of time to file their Statement of Material Facts, Supporting

Brief, and Supporting Documents to their Motions for Summary Judgment that were filed on December 4, 2002. (Docs. 80-82).

6. The Court, by Order dated December 17, 2002, granted Defendants' Motion and directed them to file their documents on or before January 2, 2003. (Doc. 83).

7. Accordingly, the Corrections Defendants Brief is now due

Request for an Enlargement of Time:

8. The Corrections Defendants, by and through the undersigned attorney, respectfully request an enlargement pursuant to Fed.R.Civ.P. 6(b) until Friday, January 10, 2003 to file and serve their documents.

9. Federal Rule of Civil Procedure 6(b) provides, in part, that "[w]hen by these rules . . . an act required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion . . . order the period enlarged if request therefore is made before the expiration of the period originally prescribed"

10. Simultaneous with this Motion, the Corrections Defendants are filing a Motion for Leave to exceed the fifteen (15) page or five thousand word limitation for their Supporting Brief as is mandated by Pa.MDLR7.8(b).

11. In drafting the Corrections Defendants' Brief, counsel found that additional pages (words) are necessary to touch upon the issues raised in this case in a

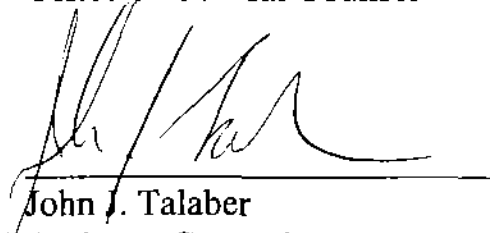
complete, comprehensive manner; particularly, to provide this Honorable Court with a solid foundation of information on Hepatitis C, and to counter Plaintiff's accusations regarding his diagnosis and treatment.

12. Further, as PAMDLR 7.8(b) requires that this type of Motion be filed at least two working days prior to the Brief being filed, counsel requests a very short enlargement of time so that the latter Motion can be resolved.
13. Counsel received in the mail today Plaintiff's Motion for an Enlargement of Time to file a motion for summary judgment (*nunc pro tunc*). Counsel does not object to Plaintiff's request for an enlargement of time. Further, counsel is serving Plaintiff with copies of the Corrections Defendants' Supporting Documents in an effort to assist in the timely resolution of this action.
14. The Corrections Defendants, by and through their undersigned attorney respectfully request and enlargement of time until Friday, January 10, 2003 to file the Supporting Documents to their Motion for Summary Judgment.

WHEREFORE, for the reasons set forth above, the Corrections Defendants respectfully request the Court to grant them an enlargement of time until Friday, January 10, 2003 to file the Supporting Documents to their Motion for Summary Judgment.

Respectfully submitted,
Office of General Counsel

BY:

A handwritten signature in black ink, appearing to read 'John J. Talaber', is written over a horizontal line.

John J. Talaber
Assistant Counsel
Pa. Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444
Attorney No. 83279

Dated: January 2, 2003

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM CLARK,	:	
	:	
Plaintiff,	:	
	:	Civil No. 01-0764
	:	
v.	:	(Judge William W. Caldwell)
	:	
LARRY LIDGETT, et al.,	:	
	:	
Defendants.	:	

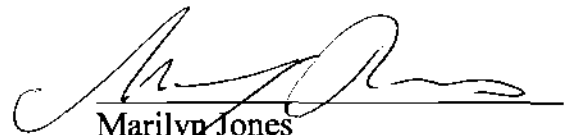
PROOF OF SERVICE

The undersigned hereby certifies that the Corrections Defendants' Motion for an Enlargement of Time was served upon the person(s) in the manner indicated below.

Service by first-class mail
addressed as follows:

William Clark, AY-5585
SCI-Rockview
Box A
Bellefonte, PA 16823

James D. Young, Esquire
Lavery, Faherty, Young & Patterson, PC
The Kunkel Building
301 Market Street, Suite 800
P.O. Box 1245
Harrisburg, PA 17108-1245


Marilyn Jones
Clerk Typist 2

PA Department of Corrections
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: January 2, 2003

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Plaintiff,	:	
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	:	(Judge William W. Caldwell)
LARRY LIDGETT, et. al.,	:	
	:	JURY TRIAL DEMANDED
Defendants.	:	

ORDER

AND NOW this _____ day of _____ 2003,
upon consideration of the Correction Defendants' Motion for an Enlargement of
Time to File their Supporting Brief and Statement of Material Facts to their Motion
for Summary Judgment, it is hereby **ORDERED** that said Motion is **GRANTED**.
The Corrections Defendants' documents shall be filed on or before Friday, January
10, 2002. Absent extraordinary circumstances no further enlargements of time will
be granted in this matter.

Judge William W. Caldwell